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# TREATY BREACHES AT HUNGARY'S EXPENSE

by

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**P***acta sunt servanda.* This is the principle emphasised by international jurists in cases of breaches of treaties. Recently too international public opinion loudly protested against Germany for having sent a small military force to occupy the neutralised zone of the Rhine district. Germany had infringed the Locarno Convention, was the unanimous finding of the Council of the League of Nations.

It is very strange that in the League of Nations only the defeated countries are subjected to an inquiry as to whether there has been any breach of treaty obligations or not; while no question of the kind is ever asked in respect of a victorious State. Hungary, for instance, on which country the victors forced conditions of peace of a severity without a precedent in history which veritably bind her hand and foot, has so far borne without a murmur the murderous dictates imposed upon her, though she is on the other hand being treated almost daily to breaches of treaties committed by countries on the winning side at her expense.

I. Let us begin with the armistice agreements. In the Armistice Agreement concluded at Padua on October 3-st, 1918, — the so-called "Diaz Armistice" — the only territories the evacuation of which was stipulated for were certain Austrian territories in South Tyrol; the territorial integrity of Hungary was left intact, so that during the peace negotiations the Hungarian frontiers should have been respected and Hungary should have been left under Hungarian civil administration. And when the military convention concluded in Belgrade on November 13th, 1918, — the so-called "Franchet d'Esperay" Convention — was ratified, it was also found to contain a provision that during the peace negotiations Hungary should remain under Hungarian civil administration. Our enemies however did not respect either of the said agreements. Our neighbours — of whom Serbia alone had really been a belligerent, seeing that Rumania had ceased to be a belligerent on signing the Treaty of Brest-Litovsk, while Czecho-Slovakia had never been a belligerent at all, being recognised as such by the Entente only at the

end of the Great War — occupied three fourths of the territory of Hungary, *during a period of truce* acting for all the world as if there had still been a state of war — and that with the consent of the Supreme War Council sitting in Paris. As a consequence, at the time of the peace negotiations Hungary had shrunk to one-fourth of her original area, so that as a result of a whole series of treaty infractions the framers of the Peace Dictate of Trianon were actually in a position to base their conditions on frontiers which had already been truncated.

II. After the peace dictate has been forced on Hungary the victors infringed the *obligation to disarm* which they had undertaken in the treaty. Both in the Covenant of the League of Nations (Article 8) and in the Treaty of Trianon — in which, as in the other treaties of peace, the Covenant was incorporated in full — it is stipulated that all Members of the League of Nations shall be required to reduce their national armaments "to the lowest point consistent with national safety" — that meaning in other words that all States alike shall give up arming for offence and shall reduce their armaments to a measure still enabling them to defend themselves against attack. The victorious Powers have failed to meet this obligation undertaken by them solemnly under contract. The defeated countries, on the other hand, were disarmed by force — and that to an extent permitting of their maintaining only a minimum armed force sufficient to enable them somehow to preserve order but quite inadequate to ensure their being able to defend themselves against attacks from without. The aggregate armed forces of Hungary, for instance, represent barely one twelfth of the peace footing of the total armed forces of Czecho-Slovakia, Rumania and Serbia, the three neighbouring States which hold her tight in the grip of a polyp. And in the event of their mobilising the Succession States could without delay put in the field an armada one hundred and fifty times as large as the army of Hungary. This shows clearly enough that Hungary is defenceless and at the mercy of her neighbours. Germany — which has in the meantime defied the prohibition

contained in the peace treaty and rearmed — has arbitrarily turned her back on this really grotesque situation of the defeated States and has herself restored her military sovereignty. Although branding Germany's procedure as a breach of the treaty, the League of Nations willy-nilly acquiesced in the *fait accompli* because it had the support of an armed force. It has however never occurred to the League of Nations to voluntarily remove the prohibition of increasing their national armaments imposed upon Austria — which country by the way on April 1st also introduced general military conscription —, Hungary and Bulgaria as a result of the condition upon which their temporary disarmament was made contingent — viz. that all Powers should reduce their armaments — never having been fulfilled.

III. The so-called Succession States are daily committing breaches of their treaty obligations in their treatment of their minorities. The Principal Powers victorious in the Great War, misled by the false data submitted to them and without giving Hungary a hearing at all, allotted the Succession States an abundance of territories torn from the body of Hungary; but they stipulated in return that the Succession States should bind themselves to ensure their minorities a certain modicum of rights by signing the Minority Treaties. The object which the Principal Powers had in view when drafting these Minority Treaties was to provide that the minorities severed from their racial brethren should be able under the rule of their new masters too to preserve their racial peculiarities and their individual mental organism and to enjoy at least social and individual liberty, political and civil rights, and freedom to assert their racial ambitions in respect of education and school training and of religion and the use of their mother tongues. In practice, however, the Succession States have not observed a single provision of the Minority Treaties, persecuting and oppressing the Hungarians under their rule so terribly that the historians of the future will blush to speak of their action. They openly admit that their object is to intimidate the Hungarians and thereby to absorb them in the ruling race.

Neither the League of Nations — which undertook to act as a protector of the minorities — nor the Great Powers — which guaranteed the provisions of the minority treaties and are therefore responsible for the same — care in the very least about the evident breaches of treaties committed by the Succession States. Apart from its not taking the trouble to officially check the action of the Succession States and see whether they are fulfilling the obligations undertaken by them in the minority treaties, the League of Nations has also instituted a procedure in cases of complaints submitted by minorities which makes it impossible for the oppressed minorities to reach the international forums — the Council of the League and the Hague International Tribunal — appointed to redress their injuries.

The same League of Nations has never taken any notice of the breaches of treaties committed by Czecho-Slovakia and Rumania respectively in

refusing to grant Ruthenia the provincial autonomy guaranteed by treaty and in refusing to accord the Széklers and Saxons the local autonomy also guaranteed them by treaty.

These treaty infractions are particularly outrageous and are without a parallel in the history of international law.

In Articles 10—13 of the Treaty of Saint Germain Czecho-Slovakia bound herself to grant the Ruthenian territory lying to the south of the Carpathians a far-reaching autonomy not endangering the unity of the State. In terms of this treaty the legislative authority in respect of questions of religion, language, internal administration and education is to be exercised by the autonomous diet, to which the Governor of this territory is also to be made responsible. The officials functioning in the territory are to be appointed as far as possible exclusively from among the native inhabitants. This should be the legal situation; however, the actual situation is that the Diet of Ruthenia has not yet been convened — indeed, no attempt has been made even to make it possible legally to convene the "Soym". As a consequence the legislative authority in all local government matters is still being exercised by the Prague National Assembly, the laws passed by that Assembly being carried into effect by the Prague Government through its organs in Ruthenia, some 90% of those officials being persons chosen, not from the native inhabitants but from the Czech civil servants who migrated to Ruthenia *en masse* after the change of régime. Quite recently, indeed, Ruthenia has been again given a Governor; but seeing that there is no autonomous diet, this Governor is responsible to Prague only and is not empowered to appoint even servants, there being no law defining his sphere of authority. The autonomy of Ruthenia therefore exists on paper only (in the Minority Treaty); in reality not a single letter of the pertinent provisions having been put into practice.

Under Article 11 of the Minority Treaty concluded in Paris Rumania undertook the following obligations: "Roumania agrees to accord to the communities of the Saxons and Czeklers in Transylvania local autonomy in regard to scholastic and religious matters, subject to the control of the Roumanian State."

The Hungarians and Saxons of Transylvania have ever since been demanding the cultural autonomy ensured them; but in vain. The Rumanian Government regards these treaty provisions as simply non-existent; it has not even thought those provisions worth incorporating in the Rumanian Constitution or even in an ordinary Act of Parliament. Consequently there is no constitutional possibility of carrying them into effect in practice.

The attitude of the Czecho-Slovak and Rumanian Governments respectively in these matters must be regarded as brutally cynical. It must certainly be admitted that this cynism has been provoked and even encouraged by the far-reaching indulgence and indifference of the League of Nations. The Council of the League has repeatedly

had an opportunity to deal with memorandums relating to the education grievances of the Hungarians in Transylvania; but in no single case has that Council taken the trouble to remind the Rumanian Government of the obligations undertaken by Rumania under Article 11 of the Paris Minority Treaty and to summon that Government to comply with those obligations. And in respect of Ruthenia the Council in 1933 actually defended the treaty-breaking behaviour of the Czecho-Slovak Government against the charges contained in a Memorandum submitted by the National Council of the Ruthenians of America, despite the fact that there can be no excuse for that behaviour and despite the fact that in his work on the rights of minorities M. Peška, an eminent Czech authority on international law who is professor in the University of Pozsony (Bratislava) was compelled to admit that the Ruthenian policy of the Czecho-Slovak Government had created abroad an impression which it would be wise to avoid. This attitude of the League of Nations appears even more grave in the light of the fact that in the Covering Letter signed by M. Millerand in his capacity as President of the Council of Ambassadors attached to the final text of the treaty of peace sent to the Hungarian Peace Delegation the following declarations were made in the name of the Allied and Associated Powers:

"The Allied and Associated Powers believe the Treaty with the Czecho-Slovak State signed by them provides the population of the autonomous province of Ruthenia with the means of making their desires publicly known. They will not fail to accord the most serious attention to the wishes to be formulated in the future by this population. For the rest the Pact of the League of Nations confers on every member of the Council of the League the right to draw the attention of the signatories of the Treaty concluded September 10, 1919, at Saint-Germain-en-Laye between the Principal Allied and Associated Powers and the Czecho-Slovak State to all questions relating to Ruthenia which shall merit an examination."

IV. In the field of international jurisdiction too Hungary has been made the victim of a grave breach of treaty. For under Article 250 of the Treaty of Trianon "the property, rights and interests of Hungarian nationals or companies controlled by them situated in the territories which formed part of the former Austro-Hungarian Monarchy shall not be subject to retention or liquidation in accordance with these provisions", grievances under this head being left to the decision of the Mixed Arbitral Tribunal provided for in Article 239. According to the latter Article one of the Members of the Mixed Arbitral Tribunal was to be appointed by the Hungarian Government and one by the Government of the respective Succession State, the President to be "chosen by agreement between the two Governments concerned". During the carrying into effect of her agrarian reform measures Rumania in practice repeatedly infringed the embargo on confiscation referred to above; and when the Hungarian nationals suffering injury through such infraction applied for re-

dress to the Hungarian-Rumanian Mixed Arbitral Tribunal in Paris, which despite the opposition of Rumania declared itself competent to act in the matter, Rumania — apart from refusing to accept these judicial decisions — for the purpose of preventing the activity of the Tribunal recalled the judge appointed by her as Member of the Tribunal, thereby making the work of the Tribunal impossible. Hungary appealed to the League of Nations for protection against the breaches of treaty committed by Rumania, begging the League to provide for the replacement of the absent judge by another Member as postulated in Article 239 of the Treaty of Trianon ("if in case there is a vacancy a Government does not proceed within a period of one month to appoint as provided above a member of the Tribunal, such member shall be chosen by the other Government from the two persons chosen by the Council of the League of Nations"). The Council of the League, however, refused to comply with the obligation thus postulated in an international treaty thereby not merely committing a grave breach of that international law which is binding on the Council too but also very gravely undermining the confidence of the peoples in its efficiency and impartiality.

V. The powers so far never mentioned the „sanctity of treaties" except when they have desired to maintain unchanged the order of the world forced on the defeated States by the peace edicts. *But in cases where any mention of the sanctity of treaties is calculated to serve the interests of the conquered, not a word is said about it.*

Yet Hungary is surely fully entitled to demand that all Members of the League of Nations alike should carry into effect the reduction of armaments in respect of which they have undertaken a solemn obligation. And in the event of their not being prepared to fulfil this obligation, they should remove the prohibition of armament imposed upon Hungary too and give her back her military sovereignty.

Hungary is also entitled to ask why the Succession States are not compelled to fulfil the obligations undertaken by them in respect of the protection of minorities? Why do the Principal Powers tolerate the ruling nations of the Succession States — altogether 26 million souls — ruthlessly oppressing the minority nations (numbering 21 million souls) subjected to their rule? They must restore the rule of justice and on the plan of the sanctity of treaties force the Succession States to protect their minorities or to give back the territories allotted to them on condition of their protecting the minorities.

And the Principal Powers must remember that the settlement of the Franco-German dispute is not the only *sine qua non* of peace and tranquillity in Europe; they must not forget that the problem of the pacification of the Danube Valley is perhaps an even more important question. It is high time these Powers realise that it was a

crying outrage on international law to allow the Succession States during a period of truce to occupy and take into their possession — more than a year and a half before the coming into force of the treaty of peace — large territories largely inhabited by compact masses of Hungarians which were not internationally severed from Hungary until the Treaty of Trianon had become law. The Principal Powers should also remember that the Peace Dictate of Trianon was based upon one-sided information, seeing that the Peace Conference regarded as above criticism the data submitted by the Succession States and — though they bristled with misinterpretations and misleading statements concocted for the occasion — accepted the same *en bloc*, while the exhaustive Notes submitted by the Hungarian Peace Delegation in support of the truth were rejected *en bloc* without being even discussed.

Do not the Principal Powers feel that it is out of the question to continue to maintain in force the Paris treaties based upon misleading and fraudulent information? do they not feel that the principle of the sanctity of treaties is subject to the qualification of *rebus sic stantibus* — in other words, that legal rules which are out-of-date and are inapplicable under existing circumstances must be invalidated? What was codified in Article 19 of the Covenant of the League of Nations was the principle of dynamics expressed in the clause "rebus sic stantibus".

Then why on earth do those Powers hesitate to open the road mapped out in Article 19? Why have we still to yield to the will of those who are bent on stabilising the situation created by the Paris treaties and for that reason leave no stone unturned to prevent the provisions of Article 19 being applied at last?

Hungary has every right to expect that after the conflicts between Italy and Abyssinia and between France and Germany respectively have been smoothed over, a move will be made at last to settle the problem of the Danube Valley, to neglect which involves perhaps a greater danger to Europe than a failure to reconcile the conflicting interests of Germany and France. The settlement of the problem of the Danube Valley must include a just regulation of Hungary's situation too, particularly seeing that Hungary is the centre of the Danube Valley and that without her assistance or against her will there can never be any adjustment of the Danube Valley problem.

Hungary, which country has so far patiently borne the fetters of slavery wrought by the arbitrary, unjust and inhuman Treaty of Trianon, believes in a rapid realisation of a peaceful adjustment based upon mutual understanding. The first thing to arouse confidence in her is the sagacity of the statements being made daily by the statesmen of that British Empire which is predestined to play the role of *arbiter mundi*. Sir Samuel Hoare, former British Foreign Secretary, declared right that elasticity is one of the factors of security and that every Member of the League of Nations alike must admit what Article 19 of the Covenant admits — viz. that the world is not static.

And that is true. The danger of war can never be eliminated unless it proves possible in international politics to ensure a *peaceful* enforcement of the dynamic principle — lest that principle be compelled to use force to assert itself. So that Powers must meet again in discussion and must repair the evil wrought by the bad Paris treaties.